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| 09/922,532 | 08/03/2001 | Endre Markovits Schersl | 22106965.105181 | 9018 |

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| EXAMINER |
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BADIO, BARBARA P

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: ENDRE MARKOVITS SCHERSL, ALEJANDRO MARKOVITS
ROJAS and MIGUEL FUENZALDA DIAZ

Application No. 09/922,532
Technology Center 1600

Mailed: December 16, 2008

Before GLORIA HENDERSON, *Review Team Paralegal*
HENDERSON, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on October 15, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

EXAMINER'S ANSWER, EVIDENCE RELIED UPON

The Examiner's Answer mailed June 11, 2008, is defective because the Gamble reference (6,596,776) is missing from the Evidence Relied Upon Section of the Examiner's Answer. The Gamble reference was used in the 103(a) rejection of claims 57 & 59-63. See MPEP 1207.02.

Before further review, the examiner must mail a Form PTOL-90, that will correct and amend the Evidence Relied Upon Section and identify all references used to reject the claims on appeal.

CONCLUSION

Accordingly, it is ORDERED that the application is being electronically returned to the Examiner:

- 1) to hold the Examiner's Answer mailed June 11, 2008, defective;
- 2) to issue and mail a Form PTOL-90, amending and/or correcting the Examiner's Answer (Evidence Relied Upon); and
- 3) for such further action as may be appropriate.

Application No. 09/922,532

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

GJH

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